

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1) VIDEO GAMING TECHNOLOGIES, INC.,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:17-cv-00454-GKF-jfj
	)	
1) CASTLE HILL STUDIOS LLC	)	
(d/b/a CASTLE HILL GAMING);	)	
2) CASTLE HILL HOLDING LLC	)	
(d/b/a CASTLE HILL GAMING); and	)	
3) IRONWORKS DEVELOPMENT, LLC	)	
(d/b/a CASTLE HILL GAMING)	)	
	)	
Defendants.	)	

**PLAINTIFF’S MOTION TO SEAL  
MOTION FOR LEAVE TO FILE AMENDED COMPLAINT  
AND SUPPORTING DECLARATION**

Pursuant to Local Rule 79.1, General Order In Re The Use of Confidential Information In Civil Cases (“GO 08-11”), and paragraph 2(f) of the Stipulated Protective Order (Dkt. 55), Plaintiff Video Gaming Technologies, Inc. (“VGT”), hereby requests that the Court enter an order to seal Plaintiff’s unredacted Motion for Leave to File Amended Complaint (“the Motion for Leave”) (Dkt. 73) and Exhibits A, C, D, E, F, G, H, I, J, K, L, M, N, O, P and Q to the Declaration of Michael S. Sawyer in Support of Plaintiff’s Motion for Leave to File Amended Complaint (“the Sawyer Declaration”) (Dkt. 74). In support of this motion, Plaintiff states the following:

1. Portions of the Motion for Leave contain both Plaintiff’s and Defendants’ sensitive and/or proprietary trade secret information, which, pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

2. Exhibit A to the Sawyer Declaration consists of email correspondence between counsel for VGT and counsel for Castle Hill Gaming (“CHG”) dated between April 9, 2018 and May 18, 2018. This correspondence contains sensitive and proprietary trade secret information, which, pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

3. Exhibit C to the Sawyer Declaration consists of an excerpt from PLAINTIFF’S FIRST SUPPLEMENTAL OBJECTIONS AND RESPONSES TO DEFENDANT CASTLE HILL STUDIO LLC’S FIRST SET OF INTERROGATORIES (NOS. 1-13). Pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), VGT has designated portions of these responses as Highly Confidential Information because they contain proprietary trade secret information.

4. Exhibit D to the Sawyer Declaration consists of an excerpt from DEFENDANTS’ SECOND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO PLAINTIFF’S FIRST INTERROGATORIES TO DEFENDANTS. Pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), CHG has designated portions of these responses as Highly Confidential Information.

5. Exhibit E to the Sawyer Declaration is a document produced by CHG to VGT bearing Bates stamps CHG0089317-20. Pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), CHG has designated this document as Highly Confidential Information.

6. Exhibit F to the Sawyer Declaration is an excerpt of a document produced by VGT to CHG bearing Bates stamps VGT0001813-32. Pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), VGT has designated this document as Highly Confidential Information because it contains proprietary trade secret information.

7. Exhibit G to the Sawyer Declaration is a letter sent by counsel for VGT to counsel for CHG dated April 11, 2018. This correspondence contains sensitive and proprietary trade secret information, which, pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

8. Exhibit H to the Sawyer Declaration is a document produced by CHG to VGT bearing Bates stamps CHG0089197-98. Pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), CHG has designated this document as Highly Confidential Information.

9. Exhibit I to the Sawyer Declaration consists of an excerpt from the deposition transcript of Andrew Scheiner that is referenced in the Motion for Leave. Pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), counsel for Defendants may seek to designate portions of Mr. Scheiner's deposition transcript as Confidential Information, Highly Confidential Information, or Highly Confidential Source Code Information within thirty (30) days of receipt of the deposition transcript or copy thereof. Until the expiration of this thirty-day period, the entire deposition transcript must be treated as Highly Confidential Source Code. In the event that Defendants do not designate the attached pages of Mr. Scheiner's deposition transcript as confidential, VGT intends to file an unredacted version of Exhibit I to the Sawyer Declaration.

10. Exhibit J to the Sawyer Declaration consists of an excerpt from the rough deposition transcript of Alan Roireau that is referenced in the Motion for Leave. Pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), counsel for Defendants may seek to designate portions of Mr. Roireau's deposition transcript as Confidential Information, Highly Confidential Information, or Highly Confidential Source Code Information within thirty (30) days of receipt of the deposition transcript or copy thereof. Until the expiration of this thirty-day period, the entire deposition transcript must be treated as Highly Confidential Source Code. In the event that

Defendants do not designate the attached pages of Mr. Roireau's deposition transcript as confidential, VGT intends to file an unredacted version of Exhibit J to the Sawyer Declaration.

11. Exhibit K to the Sawyer Declaration is a letter sent by counsel for CHG to counsel for VGT dated April 3, 2018. This correspondence contains sensitive and proprietary trade secret information, which, pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

12. Exhibit L to the Sawyer Declaration is a letter sent by counsel for CHG to counsel for VGT dated April 9, 2018. This correspondence contains VGT's sensitive and proprietary trade secret information, which, pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

13. Exhibit M to the Sawyer Declaration is a letter sent by counsel for CHG to counsel for VGT dated April 14, 2018. This correspondence contains sensitive and proprietary trade secret information, which, pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

14. Exhibit N to the Sawyer Declaration is a letter sent by counsel for VGT to counsel for CHG dated April 25, 2018. This correspondence contains sensitive and proprietary trade secret information, which, pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

15. Exhibit O to the Sawyer Declaration is a letter sent by counsel for VGT to counsel for CHG dated March 22, 2018. This correspondence contains sensitive and proprietary trade secret information, which, pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

16. Exhibit P to the Sawyer Declaration is a document produced by CHG to VGT bearing Bates stamps CHG095379–90. Pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), CHG has designated this document as Highly Confidential Information.

17. Exhibit Q to the Sawyer Declaration is a letter sent by counsel for VGT to counsel for CHG dated April 5, 2018. This correspondence contains sensitive and proprietary trade secret information, which, pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

18. In accordance with Local Rule 79.1, GO 08-11, and the Stipulated Protective Order, Plaintiff has filed both a public, Redacted Motion for Leave to File Amended Complaint, *see* Dkt. 71, and a sealed, unredacted Motion for Leave (Dkt. 73). Plaintiff has also filed both a public, Redacted Declaration of Michael S. Sawyer in Support of Plaintiff's Motion for Leave to File Amended Complaint, *see* Dkt. 72, and a sealed, unredacted Sawyer Declaration (Dkt. 74).

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order granting sealing the Motion for Leave (Dkt. 73) and Exhibits A, C, D, E, F, G, H, I, J, K, L, M, N, O, P and Q to the Sawyer Declaration (Dkt. 74).

May 21, 2018

Respectfully submitted,

/s/ Gary Rubman

Graydon Dean Luthey, Jr., OBA No. 5568  
GABLE GOTWALS  
1100 ONEOK Plaza  
100 West Fifth Street  
Tulsa, OK 74103-4217  
Telephone: (918) 595-4821  
Facsimile: (918) 595-4990  
dluthey@gablelaw.com

Gary M. Rubman  
Peter A. Swanson  
Michael S. Sawyer  
Rebecca B. Dalton  
COVINGTON & BURLING LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, D.C. 20001-4956  
Telephone: (202) 662-6000  
Facsimile: (202) 778-5465  
grubman@cov.com  
pswanson@cov.com  
msawyer@cov.com  
rdalton@cov.com  
(admitted pro hac vice)

Neil K. Roman  
COVINGTON & BURLING LLP  
The New York Times Building  
620 Eighth Avenue  
New York, NY 10018-1405  
Telephone: (212) 841-1221  
Facsimile: (212) 841-1010  
nroman@cov.com  
(admitted pro hac vice)

***Counsel for Video Gaming Technologies, Inc.***

**CERTIFICATE OF SERVICE**

I hereby certify that on May 21, 2018, I filed the foregoing via CM/ECF, which caused the foregoing to be served on the following counsel for Defendants:

Robert C. Gill  
Thomas S. Schaufelberger  
Matthew J. Antonelli  
Henry A. Platt  
SAUL EWING ARNSTEIN & LEHR, LLP  
1919 Pennsylvania Avenue, NW, Suite 550  
Washington, D.C. 20006  
(202) 295-6605  
(202) 295-6705 (facsimile)  
robert.gill@saul.com  
tschauf@saul.com  
matt.antonelli@saul.com  
henry.platt@saul.com

Sherry H. Flax  
SAUL EWING ARNSTEIN & LEHR, LLP  
500 E. Pratt Street, Suite 900  
Baltimore, Maryland 21202  
(410) 332-8764  
(410) 332-8785 (facsimile)  
sherry.flax@saul.com

James C. Hodges, OBA 4254  
JAMES C. HODGES, PC  
2622 East 21st Street, Suite 4  
Tulsa, OK 74114  
Telephone: (918) 779-7078  
JHodges@HodgesLC.Com

Duane H. Zobrist  
Jonathan S. Jacobs  
ZOBRIST LAW GROUP PLLC  
1900 Arlington Blvd. Suite B  
Charlottesville, VA 22903  
Telephone: (434) 658-6400  
dzobrist@zoblaw.com  
jjacobs@zoblaw.com

*Attorneys for Defendants*

/s/ Michael S. Sawyer